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Sri Lanka: Analysis of Constitutional Right to Information Guarantee

In the few months since it was elected, the new government of Sri Lanka has put in place a process to prepare a right to information (RTI) law and proposed a set of constitutional amendments which would provide fundamental rights protection for access to information. The Centre for Law and Democracy (CLD) very much welcomes these moves, which will address a long-standing need in the country. At the same time, an analysis by CLD, released today, suggests that the proposed constitutional guarantee needs to be strengthened.

“Although it is a late-comer to RTI, the fact that the Sri Lankan government is moving forward simultaneously with both a constitutional guarantee and legislation is very encouraging”, said Toby Mendel, Executive Director of CLD. *“It would be a great shame if this clear demonstration of democratic political will were undermined by rules that failed to conform to international standards.”*

Key problems with the proposed constitutional guarantees for RTI, identified in CLD’s analysis, including the following:

- It contains an excessively long and broad list of grounds which may justify secrecy, including contempt of court, Parliamentary privilege and “preventing the disclosure of information received in confidence”.
- Amendments proposed by the Attorney General seek to limit the scope of the guarantee to whatever happens to be set out in law.
- The scope of the right is limited to an unduly narrow range of public authorities.

The CLD analysis is available at: www.law-democracy.org/live/sri-lanka-analysis-of-constitutional-right-to-information-guarantee/.

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